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S E C R E T SECTION 01 OF 04 BEIRUT 000204

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NSC FOR ABRAMS/DORAN/MARCHESE/HARDING

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TAGS: [PREL](#) [PGOV](#) [KDEM](#) [LE](#) [SA](#) [IR](#)
SUBJECT: SAUDI AMBASSADOR CAUTIOUSLY OPTIMISTIC REGARDING
POTENTIAL HARIRI-BERRI DEAL

REF: BEIRUT 00197

Classified By: Jeffrey Feltman, Ambassador, per 1.4 (b) and (d).

SUMMARY

1. (S) In a 2/7 meeting with the Ambassador, Saudi Ambassador Abdulaziz Khoja expressed cautious optimism that a solution to Lebanon's political crisis was starting to come together and could even be achieved quickly. While the proposed deal is similar to what we discussed yesterday in reftel -- the March 8-Aoun opposition gives a promise to move ahead on the tribunal and the March 14 majority accepts a conditional 19-11 cabinet split -- late-night shuttle diplomacy on 2/6 introduced some assurances to address at least partially March 14 suspicions that something tangible (the cabinet) was being traded for something ephemeral (the promise for moving ahead on the tribunal). According to Khoja, Parliament Speaker Nabih Berri seems on the surface to have shifted his thinking on the tribunal 180 degrees, perhaps out of fear of a Chapter VII resolution. Hizballah is on board for Berri's new approach. Khoja acknowledged the various pitfalls in an understanding that rests on trusting Berri's word -- and believing President Emile Lahoud will sign the tribunal documents -- but he argued that there is no choice but to try. What is new, Khoja said, is that the action has now shifted away from Saudi Arabia, Iran, and the Arab League and toward an internal Lebanese dialogue. As a next step, MP Saad Hariri and Parliament Speaker Nabih Berri are supposed to speak by phone about a written document Hariri provided to Berri regarding March 14's interpretation of how this deal would work. According to Mohamed Chatah and Marwan Hamadeh, PM Fouad Siniora and Druze leader Walid Jumblatt are still wary of tricks Berri may have up his sleeve. But they are willing to let this attempted solution play itself out. End summary.

BERRI SUDDENLY WANTS THE TRIBUNAL

2. (S) Khoja, barricaded in his Beirut Corniche apartment out of fear of a potential car bomb attack, told the Ambassador that something dramatic had happened over the previous 48 hours. While he could not explain why, Nabih Berri seems to have shifted his entire attitude regarding the tribunal 180 degrees. Berri claims to be eager to move the tribunal forward now. Berri -- who only a week ago was frightened that the "CIA" was going to kill him (a euphemism he understood clearly as Syrian threat) -- told Khoja that he no longer feared the Syrians. Laughing, Khoja put his hand

on his heart, quoting Berri: "This time, I swear to God, I am telling the truth. We must pass the tribunal." Berri outlined a deal that he said ensured the passage of the tribunal and an end to Lebanon's political crisis. Convinced that Berri was pulling his leg, Khoja then contacted Hizballah's Hajj Hassan Khalil, who confirmed that Berri's position reflects Hizballah's thinking as well. As for why Berri would have such a dramatic turn around on the tribunal when it is so obvious that Syria detests the tribunal, Khoja said that he, too, found the switch hard to explain. Maybe, Khoja said, Berri's change of heart stems from the fear of Chapter VII action in New York.

BERRI'S DEAL SIMILAR TO PREVIOUS IDEAS
BUT WITH NEW ASSURANCES

13. (S) As reported reftel, the basic understanding Berri pushed was an exchange, with what could be marketed as a 19-11 cabinet split (a concession by the March 14 majority that had resisted putting the constitutional blocking/toppling power in the opposition's hands) for a March 8-Aoun promise to pass the Special Tribunal for Lebanon expeditiously. Khoja explained that late-night diplomacy between Riyadh (where Saad Hariri was meeting with King Abdullah, Prince Saud al-Faisal, and Prince Bandar for more than four hours) and Beirut (where PM Fouad Siniora was sitting with March 14 allies in the Grand Serail) provided some additional assurances for March 14. The deal would be as follows:

-- A six-member working group would be set up to study the documents regarding the Special Tribunal for Lebanon. Two

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people would be appointed by Hizballah and Amal, two would come from March 14, and the two judges (Choukri Sadr and Ralf Riachi) who negotiated the text with the UN would be members. The working group would have five days to complete its work and propose amendments to the text.

-- The cabinet would be expanded and divided 19-11 for the purpose of public consumption. In fact, the 11th opposition minister would be chosen in consultation with the March 14 majority and would be considered a credible bridging person by both sides. (This is similar to Mohamed Chatah's description in reftel of a cabinet that could be plausibly called 19-11 by the March 8-Aoun bloc and 19-10-1 by the March 14 bloc.) Khoja said that the idea was still hypothetical; no actual names for the 11th member have been floated. (It did not sound as though any of the cabinet names or portfolios have been discussed yet -- presumably thorny details that could derail any deal.)

-- The new cabinet would pass in its first session the tribunal documents and submit them immediately to President Lahoud for signature. The parliament would meet in extraordinary session and pass the documents immediately.

-- Issues regarding legislative and presidential elections will be addressed by the new cabinet. (These issues, too, could deadlock any cabinet and possibly lead to dissolution of the cabinet.)

14. (S) Berri, perhaps in the presence of Saad Hariri and/or PM Fouad Siniora, would announce the outlines of this understanding publicly. He would include in his announcement a commitment that the 11-member cabinet opposition would not resign in advance of the end of Lahoud's term and would not intentionally prevent a cabinet quorum (two-thirds of its membership). Berri's public words are the primary assurances that the promise of moving forward on the tribunal actually means something, Khoja said: Berri corners himself. As another assurance, Berri no longer insists on the cancellation of the Official Gazette's publication of the Special Tribunal documents passed by the current cabinet,

meaning that, if the working group fails to meet, the existing tribunal documents remain valid (at least in the eyes of those who recognize Siniora's government's decisions as legitimate). There is still a split as to when the annoying downtown sit-in will end: March 14 leaders insist that, as a goodwill gesture, the sit-in is dissolved with Berri's announcement of the outlines of a deal, while March 8-Aoun want the sit-in to continue until the new 19-11 cabinet begins work.

BERRI, WHO WANTED OUTSIDE SOLUTION,
NOW PROMOTES LEBANESE-LEBANESE TALK

15. (S) The next step is for Saad Hariri to call Nabih Berri to discuss the understanding to see whether they can move it forward. Hariri passed a written document to Berri outlining March 14's understandings of the proposed deal, and he wants Berri's oral acceptance of that understanding. This direct contact between Lebanese leaders, in fact, is a new element, Khoja said: Saudi Arabia is now stepping back and allowing the Lebanese to move into the lead. Whereas before Berri insisted upon outside help, now Berri wants the Lebanese to talk to each other -- another dramatic, positive change in Berri's position. After Saad's call, Berri will even sit down with Siniora, Khoja marveled.

16. (S) Saudi Arabia is pleased to be able to move back "behind the curtains," out of sight. The Ambassador noted that Berri seems to be trying to outmaneuver Amr Moussa, as it has been obvious that the pro-Syrians do not welcome Arab League mediation. Maybe, Khoja said, but if Berri so opposes Amr Moussa's diplomacy that he will talk seriously to Siniora for the first time since early November, that is something positive. And it is positive as well that Berri is not insisting on a formal role for Iran in solving Lebanon's crisis and has dropped entirely his promotion of a Syrian-Saudi reconciliation as the key to ending Lebanon's problems.

SUSPECTING A TRICK OR TWO
UP BERRI'S SLEEVE

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17. (S) The Ambassador told Khoja that he smelled a trap that could be set at several stages. For example, the Lebanese yearn for a solution. The March 8-Aoun bloc can count on public applause and enormous relief greeting Nabih Berri's public announcement outlining the deal. But then the March 8 representatives on the working group might suggest amendments that would destroy the substance of the tribunal. At that point, March 14 leaders will find themselves in a bind: if they reject the March 8 amendments to preserve the integrity of the tribunal as we and Saudi Arabia would wish, they will be accused of perpetuating the political crisis that so annoys and tires the Lebanese people.

18. (S) In addition, the Ambassador expressed skepticism that Berri's word ensures Lahoud will sign the tribunal documents. When Berri himself has boycotted Lahoud for the past two years except for protocol occasions, why would Lahoud listen to Berri and do him any favors in terms of signing the tribunal and calling Parliament into extraordinary session? Might the trick in Berri's proposal be to rely on Lahoud's stubbornness to unravel everything? No one can trump Lahoud in some powers. Also, the Ambassador noted, the UNIIIC mandate expires in June. By most accounts, UNIIIC Commission Brammertz will not have completed his investigation by then, meaning that there will be no cases ready for trial. Might the March 8 opposition be toying with the idea of using the "blocking minority" in the cabinet to prevent the cabinet requesting UNIIIC renewal, while also finding ways to keep the tribunal from coming into actual operation? Khoja agreed that there might very well be tricks

in the Berri proposal, but, until someone has a better idea, there is no choice but to try out the proposal with the March 14 majority. He also noted that March 14 politicians like Walid Jumblatt are surely aware of the potential for tricks and are on guard.

OTHER MARCH 14 LEADERS
REMAIN SKEPTICAL

¶9. (S) After leaving Khoja, the Ambassador spoke with both Marwan Hamadeh and Mohamed Chatah by phone. While the conversation was naturally circumspect, both confirmed the outlines of the Berri proposal sketched out by Khoja. But they were less optimistic than Khoja that the Hariri-Berri conversation would result in moving toward a resolution of Lebanon's political crisis. Druse Leader Walid Jumblatt and Prime Minister Fouad Siniora were also skeptical, they said. Given the levels of distrust, Hamadeh and Chatah thought the chances were better than half that the Hariri-Berri phone call would deepen rather than solve the crisis, since each would have a different interpretation of the deal's key elements, particularly regarding the 11th cabinet minister. But they were willing to see what happens with the Hariri-Berri contact. If Berri accepts Hariri's written draft, then maybe something is possible at least to buy time.

COMMENT

¶10. (S) We remain skeptical. Most Lebanese have told us repeatedly that Syria will destroy Lebanon rather than permit the establishment of the Special Tribunal for Lebanon. Now one of Syria's trusted allies, Nabih Berri, who is thought to fear that Syria will kill him over the slightest dissent (a threat renewed last week when a Syrian envoy told him that the CIA was out to kill him), promises to see the tribunal created. Can murmurs about Chapter VII possibilities have really so unnerved him? Whatever explains Berri's change of heart, we suspect this is a tactical rather than strategic move. And it is not one rooted in some newly discovered thirst for the truth behind Rafiq Hariri's murder almost two years ago.

¶11. (S) The most reassuring part of Khoja's briefing today is the fact that, if Khoja is correct about the midnight-oil meetings and teleconferences between Jeddah and the Grand Serail last night, Saad Hariri seems to have developed his written paper in coordination with the March 14 leaders holed up with Fouad Siniora in the Grand Serail. This is good: people like Marwan Hamadeh and Walid Jumblatt have far more experience than Saad Hariri in being able to sniff out Berri's tricks. Especially when such essential details as

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cabinet portfolios have not yet been worked out, Berri has a lot of room to make mischief. And Aoun -- who will be most unhappy when he discovers he's been left out of these discussions (but not so unhappy that he finally awakes to the fact that he is being used by his March 8 allies) -- will probably use his four ministers to push hard on issues such as legislative elections that are ignored in this understanding but could lead to cabinet collapse.

¶12. (S) If something like the deal ascribed by Khoja as originating with Berri comes to fruition, we will need to develop a strategy immediately on how we corner the March 8-Aoun bloc. We need ways to make it more difficult for them to squeeze out of their commitments regarding the tribunal. Perhaps, for example, a UNSC Presidential Statement could welcome the developments and note the commitments made to establish the Special Tribunal. But, unfortunately, we probably have plenty of time to design this strategy. This is Lebanon, after all: we expect more surprises before solutions.
FELTMAN